

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HANNAH HIGHTOWER,

Plaintiff,

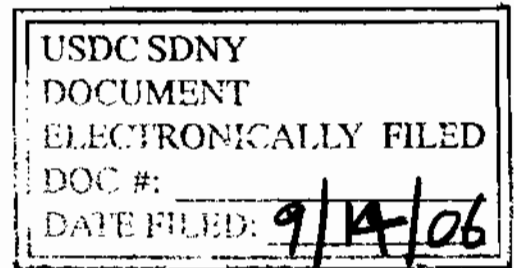
-against-

06 Civ. 5849 (LAK)

EMMIS RADIO, LLC,

Defendant.
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ORDER



LEWIS A. KAPLAN, *District Judge.*

The complaint in this diversity case alleged that plaintiff is a resident of New York and that defendant is an Indiana limited liability company with its principal place of business in Indiana.

On September 6, 2006, the Court entered an order noting two jurisdictional defects in the complaint and stating that the case would be dismissed unless they were corrected by September 15, 2006. The first was the failure to allege the *citizenship* of the plaintiff, and the order cited *Sun Printing & Publishing Ass'n v. Edwards*, 194 U.S. 377 (1904), and *Leveraged Leasing Administration Corp. v. PacifiCorp Capital, Inc.*, 87 F.3d 44 (2d Cir. 1996), which make it clear that an allegation of residence is insufficient. The second was the failure to allege the citizenship of the limited liability company. The order cited *Handlesman v. Bedford Village Green Assocs. L.P.*, 213 F.3d 48, 52 (2d Cir. 2000), which explains what is required to do so. It warned that a failure to cure these defects by September 15, 2006 would result in dismissal.

Plaintiff has filed an amended complaint. It cures the first defect. It does not cure the second.

Accordingly, the action is dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: September 14, 2006

A handwritten signature in black ink, appearing to read "L. Kaplan", written over a horizontal line.

Lewis A. Kaplan
United States District Judge